

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1200

Introduced by Assembly Member Laird

February 22, 2005

An act to add Sections 139, 139.2, and 139.4 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Laird. Sacramento-San Joaquin Delta.

Existing law, the California Bay-Delta Authority Act, requires the California Bay-Delta Authority and certain implementing agencies to carry out programs that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, on behalf of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

This bill would require the Department of Water Resources to evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta resulting from subsidence, earthquakes, floods, and climate change, as specified. The bill would require the department and the Department of Fish and Game to evaluate and comparatively rate the options available *to protect water supplies and* for advancing certain interests that relate to the delta. The bill would require the department and the Department of Fish and Game to submit their written findings to the Legislature and Governor not later than ~~June 30, 2005~~ *January 1, 2006*.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Substantial water supplies are derived from the
4 Sacramento-San Joaquin Delta for the greater Silicon Valley
5 area, Alameda County, eastern Contra Costa County, Napa
6 County, Solano County, the San Joaquin Valley, and southern
7 California.
- 8 (b) In a document entitled “Seismic Stability of Delta Levees,”
9 the Department of Water Resources estimated that a single
10 100-year earthquake would result in three to 10 delta levee
11 breaks and that a single 1,000-year earthquake would result in 18
12 to 82 delta levee breaks.
- 13 (c) A report to the California Bay-Delta Authority Independent
14 Science Board estimated that sea-level rise caused by climate
15 change, continuing subsidence of delta lands, floods, and
16 earthquakes have a 64 percent probability of resulting in
17 catastrophic flooding of delta islands over the next 50 years.
- 18 (d) The state’s economy, and the governmental programs that
19 are dependent on a healthy economy and a healthy environment,
20 cannot afford a catastrophic disruption of the water supplies
21 derived from the delta.
- 22 SEC. 2. Section 139 is added to the Water Code, to read:
- 23 139. The Legislature finds and declares as follows:
- 24 (a) The state has a primary interest in preventing the disruption
25 of water supplies derived from the Sacramento-San Joaquin
26 Delta.
- 27 (b) The state has additional interests in all of the following:
- 28 (1) Improving the quality of drinking water supplies derived
29 from the delta.
- 30 (2) Reducing the amount of salts contained in delta water and
31 delivered to, and often retained in, our agricultural areas.
- 32 (3) Restoring salmon and other fisheries that use the San
33 Francisco Bay/Sacramento-San Joaquin Delta estuary.
- 34 (4) Maintaining delta water quality for delta users.
- 35 (5) Assisting in preserving delta lands.

1 (6) Protecting water rights of the “area of origin” and
2 protecting the environments of the Sacramento-San Joaquin river
3 systems.

4 (7) *Protecting highways, utility facilities, and other*
5 *infrastructure located within the Delta.*

6 SEC. 3. Section 139.2 is added to the Water Code, to read:

7 139.2. (a) The department shall evaluate the potential
8 impacts on water supplies derived from the Sacramento-San
9 Joaquin Delta based on 50, 100, and 200 year projections for
10 each of the following possible impacts on the delta: subsidence,
11 earthquakes, floods, climate change, and a combination of these
12 impacts.

13 SEC. 4. Section 139.4 is added to the Water Code, to read:

14 139.4. (a) The department, in writing, shall evaluate and
15 comparatively rate the options available *to protect water supplies*
16 *and* for advancing the interests described in paragraphs (1), (2),
17 (4), (5), ~~and (6)~~ (6), *and* (7) of subdivision (b) of Section 139.

18 (b) The Department of Fish and Game, in writing, shall
19 evaluate and comparatively rate the options available for
20 advancing the interest described in paragraph (3) of subdivision
21 (b) of Section 139.

22 (c) The department and the Department of Fish and Game
23 shall submit their written findings to the Legislature and the
24 Governor not later than ~~June 30, 2005~~ *January 1, 2006* .

25 SEC. 5. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety
27 within the meaning of Article IV of the Constitution and shall go
28 into immediate effect. The facts constituting the necessity are:

29 In order to undertake, as soon as possible, measures to protect
30 the Sacramento-San Joaquin Delta, thereby protecting public
31 health and safety, it is necessary that this act take effect
32 immediately.